

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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Carlos Ray Blanco,

Plaintiff,

v.

US Department of State,

Defendant.

Case No. 2:21-cv-01523-RFB-DJA

Report and Recommendation

This matter is before the Court on *pro se* Plaintiff Carlos Ray Blanco's application to proceed *in forma pauperis* (ECF No. 1). The Court finds that Plaintiff's application is incomplete. Under question three, Plaintiff indicates that he only receives unemployment, but does not explain the amount he received and what he expects to receive in the future. Plaintiff failed to complete question eight regarding any debts or financial obligations. Plaintiff has also not answered question six, but rather asserts that he lives in his truck and has "no union credit benefit retirements." As a result, the Court cannot determine whether Plaintiff is eligible to proceed *in forma pauperis*. However, given the fatal flaws in the complaint, the Court will recommend that his application be denied as moot.

18 U.S.C. § 1915(d) gives the Court the power to dismiss "claims whose factual contentions are clearly baseless." *Neitzke v. Williams*, 490 U.S. 319, 327-28 (1989). Plaintiff has failed to state any sort of cognizable claim, or even any claim at all. The Court cannot decipher any logical set of facts in his submission, or any rights that may have been violated. Rather, Plaintiff's complaint—styled as a "Notice to Principal"—is largely incomprehensible. Through his Notices to Principal (ECF Nos. 1-2 and 1-3) and his subsequent filings (ECF Nos. 3, 4, and 5), it appears that Plaintiff is possibly attempting to assert that his birth certificate and social security number—along with traffic tickets and taxes he wishes not to pay—are fraudulent. Plaintiff seems to claim that he could not consent to being given a birth certificate and social security

1 number or to becoming a citizen because he was an infant when it happened. From this he seems
2 to argue that he is not required to pay any document with his name in all capital letters—
3 presumably a tax bill and traffic ticket—because his “real name” is not in all capital letters. The
4 Court thus concludes that this case is frivolous because it lacks an arguable basis in law and fact.
5 As Plaintiff’s complaint is factually frivolous and does not set forth a plausible claim, it should be
6 dismissed without leave to amend as it is apparent that amendment is futile.

7 **RECOMMENDATION**

8 IT IS THEREFORE RECOMMENDED that this case be **dismissed** and that Plaintiff’s
9 application to proceed *in forma pauperis* be **denied** as moot.

10 **NOTICE**

11 Pursuant to Local Rule IB 3-2 any objection to this Report and Recommendation must be
12 in writing and filed with the Clerk of the Court within fourteen (14) days after service of this
13 Notice. The Supreme Court has held that the courts of appeal may determine that an appeal has
14 been waived due to the failure to file objections within the specified time. *Thomas v. Arn*, 474
15 U.S. 140, 142 (1985) *reh’g denied*, 474 U.S. 1111 (1986). The Ninth Circuit has also held that
16 (1) failure to file objections within the specified time and (2) failure to properly address and brief
17 the objectionable issues waives the right to appeal the District Court’s order and/or appeal factual
18 issues from the order of the District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991);
19 *Britt v. Simi Valley United Sch. Dist.*, 708 F.2d 452, 454 (9th Cir. 1983).

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21 DATED: September 8, 2021

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24 DANIEL J. ALBRECHTS
25 UNITED STATES MAGISTRATE JUDGE
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